

BRETT O'NEIL
Office of the Commissioner of Securities and
Insurance, Montana State Auditor (CSI)
840 Helena Avenue
Helena, MT 59601
(406) 444-2040
bo'neil@mt.gov

Attorney for the CSI

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE,
MONTANA STATE AUDITOR**

IN THE MATTER OF:)	CASE NO. SEC-2011-110
)	
METLIFE INVESTORS USA)	CONSENT AGREEMENT AND
INSURANCE COMPANY.)	FINAL ORDER
)	
Respondent.)	
)	

This Consent Agreement and Final Order (Agreement) is entered into by the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of the Montana Living Trust Act, Mont. Code Ann. § 30-10-901 (Act), and MetLife Investors USA Insurance Company (Respondent).

RECITALS

WHEREAS, Respondent was not registered to sell living trusts in Montana;

WHEREAS, the CSI alleged Respondent violated Mont. Code Ann. § 30-10-904(1) by offering a living trust without proper licensure;

WHEREAS, the CSI and the Respondent agree that the best interests of the public would be served by entering into this Agreement;

NOW, THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the CSI and the Respondent hereby agree to settle this matter pursuant to the following terms and conditions:

STIPULATIONS AND CONSENTS

I. Without admitting or denying any of the CSI's allegations, the Respondent stipulates and consents to the following:

A. Within ten days from the execution of this Agreement, the Respondent, shall make a contribution of \$5,000.00 to the Securities Restitution Assistance Fund under Mont. Code Ann. Tit. 30, ch. 10, pt. 10, sent to the CSI at 840 Helena Avenue, Helena, MT 59601.

B. The Respondent shall comply with the terms and conditions of this Agreement, the Act, and all rules and regulations associated with the Act.

C. The Respondent specifically and affirmatively waives a contested case hearing and all rights to appeal under the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-101, et seq., and elects to resolve this matter on the terms and conditions set forth herein.

II. All parties to this Agreement stipulate and consent as follows:

A. The Commissioner of Securities and Insurance, Montana State Auditor (Commissioner), and the CSI have jurisdiction over the subject matter of the above-entitled proceeding.

B. Under authority of the Act, the CSI will not initiate any civil or administrative action against the Respondent regarding the allegations giving rise to this Agreement.

C. This Agreement is entered without adjudication of any issue, law or fact. It is entered into solely for the purpose of resolving the CSI's allegations and may not be used for any other purpose.

D. The Respondent, and its employees, agents, representatives, affiliates, parents, subsidiaries, successors, and assigns, and the CSI fully and forever mutually release and discharge the other, from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of this Agreement.

E. This Agreement constitutes the entire agreement between the parties and no other promises or agreements, either express or implied, have been made by the CSI or by any member, officer, agent or representative of the CSI to induce Respondent to enter into this Agreement.

F. This Agreement may not be modified orally, and any subsequent modifications to this Agreement must be mutually agreed upon in writing to be effective.

G. This Agreement shall be incorporated into and made a part of the attached Final Order issued by the Commissioner herein.


H. This Agreement shall be effective upon signing of the Final Order.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

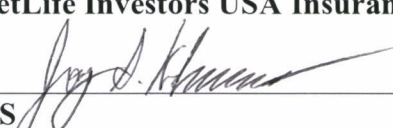
I. This Agreement is a public record under Montana law and as such may not be sealed or otherwise withheld from the public.

DATED this 7th day of ~~October~~ ^{November}, 2012

**OFFICE OF THE COMMISSIONER OF
SECURITIES AND INSURANCE,
MONTANA STATE AUDITOR**

By: 
BRETT O'NEIL
Attorney for the CSI

DATED this 24 day of October, 2012

MetLife Investors USA Insurance Company

ITS

FINAL ORDER

Pursuant to the authority vested by Mont. Code Ann. § 2-4-603 and § 30-10-901, et seq.,
and upon review of the foregoing Consent Agreement, and good cause appearing,

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the CSI and
Respondent MetLife Investors USA Insurance Company, is adopted as if set forth fully herein.

DATED this 7th day of November, 2012.

MONICA J. LINDEEN

Commissioner of Securities and Insurance,
Montana State Auditor

By: 

Lynne Egan

Deputy Commissioner of Securities,
Montana State Auditor

cc. Brett O'Neil
Jacqueline T. Lenmark